

TITLE 54  
PROFESSIONS, VOCATIONS, AND BUSINESSES

CHAPTER 9  
DENTISTS

54-901. DEFINITION -- PRACTICE OF DENTISTRY. The practice of dentistry is the doing by one (1) person, for a direct or indirect consideration, of one or more of the following with respect to the teeth, gums, alveolar process, jaws, or adjacent tissues of another person, namely:

Examining for diagnosis, treatment, extraction, repair, replacement, substitution, or correction;

Diagnosing of disease, pain, injury, deficiency, deformity or physical condition;

Treating, operating, prescribing, extracting, repairing, taking impressions, fitting, replacing, substituting, or correcting;

Administering anesthetics or medicaments in connection with any of the foregoing.

[54-901, added 1949, ch. 102, sec. 1, p. 177; am. 1953, ch. 105, sec. 1, p. 138; am. 1957, ch. 81, sec. 1, p. 131; am. 1987, ch. 30, sec. 1, p. 39; am. 1994, ch. 58, sec. 1, p. 99.]

54-902. DEFINITION -- PRACTICE OF DENTAL HYGIENE. The practice of dental hygiene is the doing by one (1) person for a direct or indirect consideration of one (1) or more of the following with respect to the teeth or dental health of another person, namely, cleaning, polishing, removing stains or concretions; performing nonsurgical periodontal therapy; administering prescribed anesthetics or medicaments; applying preventive agents; performing nonsurgical, clinical and laboratory oral diagnostic tests for interpretation by a dentist; preparation of preliminary records of oral conditions; and such other dental services as specified by the dentist unless prohibited by the board in its adopted rules.

[54-902, added 1949, ch. 102, sec. 2, p. 177; am. 1967, ch. 312, sec. 1, p. 886; am. 1971, ch. 83, sec. 1, p. 181; am. 1994, ch. 58, sec. 2, p. 100.]

54-902A. DEFINITION -- PRACTICE OF DENTAL THERAPY. The practice of dental therapy is the doing by one (1) person for a direct or indirect consideration of one (1) or more of the following with respect to the teeth or dental health of another person, namely, identifying oral and systemic conditions, performing dental prophylaxis, dispensing and administering nonnarcotic analgesics, anti-inflammatory and antibiotic medications as prescribed by a licensed dentist, applying preventive agents, preparation and placement of direct restorations in primary and permanent teeth, indirect and direct pulp capping on permanent teeth, indirect pulp capping on primary teeth, and such other dental services as specified by the supervising dentist and for which the dental therapist is trained unless prohibited by the board in its adopted rules. The board shall enter into negotiated rulemaking to establish the appropriate levels of supervision for each authorized service or procedure. Except as otherwise specified in this chapter, such services and procedures shall be limited to the discharge of official duties on behalf of the United States government,

including through the United States public health service, the Indian health service, or tribal health programs contracted to perform services on behalf of the United States government in a practice setting within the exterior boundaries of a tribal reservation.

[54-902A, added 2019, ch. 221, sec. 2, p. 670.]

54-903. GENERAL DEFINITIONS. As used in this chapter:

(1) "Association" means the Idaho state dental association and the Idaho dental hygienists' association.

(2) "Board" means the state board of dentistry.

(3) "Conviction" or "convicted" means a finding of guilt by a judge or jury, an entry of a guilty plea by a defendant and its acceptance by the court, a forfeiture of a bail bond or collateral deposited to secure a defendant's appearance, a judgment of conviction, a suspended sentence, probation, a withheld judgment, or a finding of guilt under the uniform code of military justice.

(4) "Dental assistant" is a person who need not be licensed under this chapter, but who is regularly employed at a dental office, who works under a dentist's supervision, and is adequately trained and qualified according to standards established by the board to perform the dental services permitted to be performed by assistants by this chapter and applicable rules of the board.

(5) "Dental hygienist" is a person both qualified and licensed by the laws of Idaho to practice dental hygiene.

(6) "Dental specialist" is a dentist who has graduated from a board-approved postgraduate program in the dentist's specialty and is a person both qualified and licensed by the laws of Idaho to practice a dental specialty recognized by the board.

(7) "Dental therapist" is a person both qualified and licensed by the laws of Idaho to practice dental therapy.

(8) "Dentist" is a person both qualified and licensed by the laws of Idaho to practice dentistry.

(9) "Direct supervision" is supervision of a dental therapist, dental assistant, or dental hygienist requiring that a dentist diagnose the condition to be treated, that a dentist authorize the procedure to be performed, that a dentist remain in the practice setting while the procedure is performed, and that before dismissal of the patient a dentist approves the work performed by the dental therapist, dental assistant, or dental hygienist.

(10) "Extended access oral health care setting" means and includes:

(a) Dental and dental hygiene treatment and services provided at locations including, but not limited to, a school district, county, state or federal agency, hospital, medical office, long-term care facility, public health district, dental or dental hygiene school, tribal clinic, or federally qualified health center; or

(b) Oral health care programs approved by the board and conducted by or through a nonprofit public or private entity, organized in accordance with section 501(c)(3) or 501(c)(4) of the federal Internal Revenue Code, that provide free dental or dental hygiene services to persons who, due to age, infirmity, indigence, disability or other similar reason, may be unable to receive regular dental and dental hygiene treatment. The board may require reapproval of the oral health care programs on an annual basis or at such other times as may be deemed by the board to be necessary or appropriate.

(c) Dental therapy preventative treatment and preventative services provided in a school or long-term care facility in an incorporated city that is wholly or partially within or has a border contiguous to the boundaries of a tribal reservation.

(11) "General supervision" is supervision of a dental therapist, dental assistant, or dental hygienist requiring that a dentist authorize the procedure which is carried out, but not requiring that a dentist be in the practice setting when the authorized procedure is performed.

(12) "Indirect supervision" is supervision of a dental therapist, dental assistant, or dental hygienist requiring that a dentist authorize a procedure and that a dentist be in the practice setting while the procedure is performed by the therapist, assistant, or hygienist.

[54-903, added 1987, ch. 30, sec. 3, p. 40; am. 1994, ch. 58, sec. 3, p. 100; am. 1997, ch. 78, sec. 1, p. 163; am. 2004, ch. 214, sec. 1, p. 647; am. 2004, ch. 217, sec. 1, p. 652; am. 2006, ch. 285, sec. 1, p. 874; am. 2007, ch. 93, sec. 1, p. 274; am. 2010, ch. 235, sec. 37, p. 572; am. 2014, ch. 49, sec. 1, p. 125; am. 2018, ch. 52, sec. 1, p. 135; am. 2018, ch. 53, sec. 1, p. 137; am. 2018, ch. 54, sec. 1, p. 140; am. 2019, ch. 221, sec. 3, p. 670.]

54-904. AUTHORIZATION FOR PROCEDURES PERFORMED UNDER GENERAL SUPERVISION BY DENTAL HYGIENISTS. A dental hygienist is authorized to practice under general supervision when:

(1) In a dental office where the dental hygienist works, a dentist has diagnosed the condition to be treated and determined the procedure to be performed, or has authorized a dental hygienist to perform the prescribed treatment; or

(2) In an extended access oral health care setting, the supervising dentist has determined the dental hygiene procedures that may be performed and has issued written orders to a dental hygienist holding a license with an extended access dental hygiene endorsement to provide the authorized treatment. The supervising dentist shall be responsible to treat the patient's dental needs or refer the patient to another dentist for treatment.

[54-904, added 1987, ch. 30, sec. 4, p. 41; am. 1994, ch. 58, sec. 4, p. 101; am. 2004, ch. 214, sec. 2, p. 648; am. 2018, ch. 53, sec. 2, p. 138.]

54-905. UNLAWFUL PRACTICE OF DENTISTRY. (1) Any person who shall practice, or shall in any manner hold himself out to any other person, or to the public, as qualified or licensed to practice dentistry, or who represents himself to be a dentist, within the state of Idaho, without at the time thereof being a dentist, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one thousand dollars (\$1,000) nor more than three thousand dollars (\$3,000), or be imprisoned in the county jail for not less than thirty (30) days nor more than six (6) months, or both.

Each act of practice, or holding out, or representation, shall constitute a separate offense. In addition, a person found guilty of violating the provisions of this section for commercial gain may be assessed a civil penalty by the court, commensurate with the gain realized by the defendant, of up to twenty-five thousand dollars (\$25,000) for each violation of the provisions of this section. The civil penalty collected by the court shall be remitted to the general fund of the state.

(2) Conviction under the provisions of this section shall not prevent issuance of an injunction as provided in section [54-933](#), Idaho Code.

[54-905, added 1949, ch. 102, sec. 5, p. 177; am. 1981, ch. 215, sec. 3, p. 389; am. 1987, ch. 30, sec. 5, p. 41; am. 1994, ch. 58, sec. 5, p. 102; am. 2003, ch. 190, sec. 1, p. 520.]

54-906. UNLAWFUL PRACTICE OF DENTAL HYGIENE. (1) Any person, not a dentist, who shall practice, or shall in any manner hold himself out to any other person, or to the public, as qualified or licensed to practice dental hygiene within the state of Idaho without at the time being a licensed dental hygienist, or who performs any act, function, or service permitted a dental hygienist by this act without the supervision of a dentist as specified by the rules of the board, shall be guilty of a misdemeanor and upon conviction shall be fined not less than one hundred dollars (\$100) nor more than three hundred dollars (\$300), or be imprisoned in the county jail for not less than thirty (30) days nor more than six (6) months, or both.

Each act of practice, or holding out, or representation shall constitute a separate offense.

(2) Conviction under the provisions of this section shall not prevent issuance of an injunction as provided in section [54-933](#), Idaho Code.

[54-906, added 1949, ch. 102, sec. 6, p. 177; am. 1987, ch. 30, sec. 6, p. 41; am. 1994, ch. 58, sec. 6, p. 102.]

54-906A. UNLAWFUL PRACTICE OF DENTAL THERAPY. (1) Any person, not a dentist, who shall practice or in any manner hold himself out to any other person or to the public as qualified or licensed to practice dental therapy within the state of Idaho without at the time being a licensed dental therapist, or who performs any act, function, or service that is permitted a dental therapist by this chapter without the supervision of a dentist as specified by the rules of the board, shall be guilty of a misdemeanor and upon conviction shall be fined no less than one hundred dollars (\$100) nor more than three hundred dollars (\$300), or be imprisoned in the county jail for no less than thirty (30) days nor more than six (6) months, or both. Each act of practice, or holding out, or representation shall constitute a separate offense.

(2) Conviction under the provisions of this section shall not prevent issuance of an injunction as provided in section [54-933](#), Idaho Code.

[54-906A, added 2019, ch. 221, sec. 4, p. 671.]

54-907. STATE BOARD OF DENTISTRY ESTABLISHED. There is hereby established in the department of self-governing agencies a state board of dentistry to be composed of eight (8) members, five (5) of whom shall be dentists, two (2) of whom shall be dental hygienists, and one (1) of whom shall be a member of the public with an interest in the rights of consumers of dental services. Board members shall be appointed by the governor and shall serve at the pleasure of the governor. Upon appointment by the governor, the term of office of a member of the board shall commence on the first Monday of February following his appointment and shall continue for five (5) years, or until his successor has been named, whichever is later. A vacancy in membership of the board shall occur whenever the regular term of a member expires or when a member dies, resigns or is removed from office by the governor. Ap-

pointments to fill a vacancy occurring for some reason other than expiration of term of office shall be made for the unexpired term which is being filled.

[54-907, added 1967, ch. 312, sec. 4, p. 886; am. 1974, ch. 13, sec. 88, p. 138; am. 1981, ch. 215, sec. 4, p. 392; am. 1983, ch. 126, sec. 1, p. 321; am. 1990, ch. 425, sec. 1, p. 1174; am. 1991, ch. 147, sec. 2, p. 347; am. 1994, ch. 58, sec. 7, p. 102; am. 2002, ch. 82, sec. 1, p. 185; am. 2016, ch. 340, sec. 10, p. 936.]

54-908. STATE BOARD OF DENTISTRY -- VACANCIES. (1) The governor may consider recommendations for appointment to the board from the Idaho state dental association and from any individual residing in this state. For the purposes of nominations and appointments, the state shall be divided by the association into four (4) components and nominations and appointments to the board shall be made in such a manner that each component shall be represented on the board by one (1) dentist member.

(2) The governor may also consider recommendations for appointment to the board from the Idaho dental hygienists' association and from any individual residing in this state. For the purposes of appointments, the state shall be divided by the Idaho dental hygienists' association into two (2) components and appointments to the board shall be made in such a manner that each component shall be represented on the board by one (1) dental hygienist member.

[54-908, added 1967, ch. 312, sec. 5, p. 886; am. 1981, ch. 215, sec. 5, p. 392; am. 1983, ch. 126, sec. 2, p. 322; am. 1986, ch. 35, sec. 2, p. 109; am. 1990, ch. 425, sec. 2, p. 1175; am. 1991, ch. 147, sec. 3, p. 348; am. 1994, ch. 58, sec. 8, p. 103; am. 2016, ch. 340, sec. 11, p. 937.]

54-909. BOARD OF DENTISTRY -- QUALIFICATIONS OF MEMBERS. Each dentist and each dental hygienist member of the board shall hold a current, active Idaho license and shall be a resident of the state of Idaho. The consumer member of the board must be a resident of the state of Idaho and shall be representative of the public consumers of dental care services.

[54-909, added 1967, ch. 312, sec. 6, p. 886; am. 1981, ch. 215, sec. 6, p. 393; am. 1983, ch. 126, sec. 3, p. 323; am. 1991, ch. 147, sec. 4, p. 349; am. 1994, ch. 58, sec. 9, p. 104.]

54-910. STATE BOARD OF DENTISTRY FUND -- CREATION OF. All fees of any kind collected under the provisions of this act shall be deposited with the state treasury to the credit of a separate fund to be known as the state board of dentistry fund and all money that comes into this fund is appropriated to carry out the purposes and objects of this act, and to pay all costs and expenses incurred in connection with this act. Such moneys shall be paid out upon warrants drawn by the state controller upon presentation of proper vouchers approved by the state board of dentistry or its administrator acting within the administrator's delegated authority. Such claims and vouchers shall be examined by the board of examiners as are other claims against the state. Moneys paid from this fund are expressly exempted from the provisions of sections [67-2007](#) and [67-2008](#), Idaho Code (Standard Travel Pay and Allowance Act of 1949).

[54-910, added 1967, ch. 312, sec. 7, p. 886; am. 1994, ch. 58, sec. 10, p. 105; am. 1994, ch. 180, sec. 96, p. 489.]

54-911. BOARD OF DENTISTRY -- ORGANIZATION -- MEETINGS -- EXPENSES -- PER DIEM. The board of dentistry shall select from its dentist members a chairman who shall serve at the pleasure of the board. The board may meet at stated times and shall meet upon the call of its chairman or a majority of the members. It shall keep minutes of its meetings and actions thereat. Five (5) members, three (3) of whom must be dentists and two (2) of whom must be nondentists, shall constitute a quorum, and the vote of the majority of the members present at a meeting at which a quorum is present shall determine the action of the board.

Out of any appropriation applicable to the administration of this chapter, each member of the board shall be compensated as provided by section [59-509](#)(p), Idaho Code.

[54-911, added 1949, ch. 102, sec. 11, p. 177; am. 1963, ch. 55, sec. 1, p. 219; am. 1967, ch. 312, sec. 8, p. 886; am. 1976, ch. 177, sec. 1, p. 641; am. 1980, ch. 247, sec. 56, p. 621; am. 1981, ch. 215, sec. 7, p. 393; am. 1991, ch. 147, sec. 5, p. 350; am. 1994, ch. 58, sec. 11, p. 105; am. 1996, ch. 237, sec. 1, p. 767; am. 2014, ch. 121, sec. 1, p. 344; am. 2018, ch. 55, sec. 1, p. 141.]

54-912. BOARD OF DENTISTRY -- POWERS AND DUTIES. The board shall have the following powers and duties:

(1) To ascertain the qualifications and fitness of applicants to practice dentistry, a dental specialty, dental therapy, or dental hygiene; to prepare, conduct and grade qualifying examinations; to require and accept passing results of written and clinical examinations from approved dental, dental therapy, and dental hygiene testing organizations; to issue in the name of the board a certificate of qualification to applicants found to be fit and qualified to practice dentistry, dental therapy, or dental hygiene.

(2) To prescribe rules for a fair and wholly impartial method of licensure and examination of applicants to practice dentistry, a dental specialty, dental therapy, or dental hygiene.

(3) To define by rule what shall constitute accepted and approved schools, colleges, institutions, universities or departments thereof for the teaching of dentistry, dental therapy, or dental hygiene and to determine, accept and approve those that comply therewith.

(4) To promulgate other rules required by law or necessary or desirable for its enforcement and administration; to define by rule the terms unprofessional conduct or practices injurious to the public as the terms are used in section [54-924](#), Idaho Code, to furnish applications, certificates, licenses and other necessary forms.

(5) To inspect or cause to be inspected the offices or operating rooms of all persons licensed under this chapter.

(6) (a) Upon its own motion or upon any complaint, to initiate and conduct investigations on all matters relating to the practice of dentistry, dental therapy, or dental hygiene and to conduct hearings or proceedings on its own or through its designated hearing officer, to revoke, suspend or otherwise condition certificates of qualification or licenses of persons practicing dentistry, dental therapy, or dental hygiene and, on such terms as the board shall deem appropriate, to revoke, suspend, or otherwise condition such licenses, provided such

hearings and proceedings shall be had in conformance with the provisions of [chapter 52, title 67](#), Idaho Code. Final decisions of the board shall be subject to judicial review as provided in [chapter 52, title 67](#), Idaho Code.

(b) Whenever it appears that grounds for discipline exist under this chapter and the board finds that there is an immediate danger to the public health, safety or welfare, the board is authorized to commence emergency proceedings for revocation or other action. Such proceedings shall be promptly instituted and processed, including the right to contest the emergency proceedings and appeal, under the applicable provisions of [chapter 52, title 67](#), Idaho Code.

(7) The board, its designated hearing officer, or representative shall have power to administer oaths, the power to engage in discovery as provided in the Idaho rules of civil procedure and [chapter 52, title 67](#), Idaho Code, including, but not limited to, the power to take depositions of witnesses within or without the state in the manner provided by law in civil cases, and shall have power throughout the state of Idaho to require the attendance of witnesses and the production of books, records and papers as it may desire at any hearing before it of any matter which it has authority to investigate, and for that purpose the board or its designated hearing officer may issue a subpoena for any witness or a subpoena duces tecum to compel the production of any books, records or papers, directed to the sheriff of any county of the state of Idaho, where the witness resides, or may be found, which shall be served and returned in the same manner as a subpoena in a criminal case is served and returned. The fees and mileage of the witnesses shall be the same as that allowed in the district courts in criminal cases and shall be paid from the state board of dentistry fund in the same manner as other expenses of the board are paid. In any case of disobedience to, or neglect of, any subpoena or subpoena duces tecum served upon any person, or the refusal of any witness to testify to any matter regarding which he may lawfully be interrogated, it shall be the duty of the district court, or any judge thereof, of any county in this state in which the disobedience, neglect or refusal occurs, upon application by the board to compel obedience by proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from the court or for refusal to testify. The licensed person accused in the proceedings shall have the same right of subpoena upon making application to the board.

(8) The board shall establish an office and may appoint an executive director and may employ other personnel, including attorneys and hearing officers, as may be necessary to assist the board. The board shall prescribe the duties of the executive director and these duties shall include the preparation of all papers and records under law for the board, and shall include enforcement activities as to the board may from time to time appear advisable, and the executive director shall act for and on behalf of the board in such manner as the board may authorize, keep records, property and equipment of the board and discharge other duties as the board may from time to time prescribe. The compensation of the executive director or other personnel shall be determined by the board and the executive director shall be bonded to the state in the time, form and manner prescribed in [chapter 8, title 59](#), Idaho Code.

(9) To report annually to the associations on the status of the state board of dentistry fund and furnish the associations a written report on all receipts and expenditures during the preceding year.

(10) Provide, by rule, for reasonable fees for administrative costs and assess costs reasonably and necessarily incurred in the enforcement of this chapter when a licensee has been found to be in violation of this chapter.

[54-912, added 1949, ch. 102, sec. 12, p. 177; am. 1967, ch. 312, sec. 9, p. 886; am. 1971, ch. 136, sec. 34, p. 522; am. 1974, ch. 13, sec. 89, p. 138; am. 1986, ch. 35, sec. 3, p. 110; am. 1991, ch. 147, sec. 6, p. 350; am. 1993, ch. 216, sec. 59, p. 643; am. 1994, ch. 58, sec. 12, p. 105; am. 2000, ch. 40, sec. 1, p. 79; am. 2003, ch. 160, sec. 1, p. 451; am. 2014, ch. 121, sec. 2, p. 344; am. 2017, ch. 196, sec. 1, p. 480; am. 2019, ch. 221, sec. 5, p. 671.]

54-913. CERTIFICATES -- LICENSES -- RECORDS. (1) All certificates of qualification to practice dentistry, dental therapy, or dental hygiene, and all licenses shall be issued by the board in the name of the board, with the seal attached.

(2) The board shall keep a record of all applicants for licensure to qualify as a dentist, dental therapist, or dental hygienist, of applicants rejected on application or examination with the reason for rejection, of certificates of qualification and of licenses issued, and of dentists, dental therapists, and dental hygienists.

[54-913, added 1949, ch. 102, sec. 13, p. 177; am. 1967, ch. 312, sec. 10, p. 886; am. 1974, ch. 13, sec. 90, p. 138; am. 1987, ch. 30, sec. 7, p. 42; am. 1994, ch. 58, sec. 13, p. 107; am. 2006, ch. 285, sec. 2, p. 875; am. 2019, ch. 221, sec. 6, p. 673.]

54-914. DENTISTS AND DENTAL HYGIENISTS PREVIOUSLY QUALIFIED. All persons prior to the effective date of this act who had been found qualified to practice dentistry or dental hygiene in this state and who on the effective date of this act were licensed as dentists or dental hygienists in this state shall be deemed to be qualified and licensed dentists or dental hygienists under this act subject to the provisions of this act.

[54-914, added 1949, ch. 102, sec. 14, p. 177; am. 1967, ch. 312, sec. 11, p. 886; am. 1994, ch. 58, sec. 14, p. 107.]

54-915. QUALIFICATIONS REQUIRED FOR DENTIST, DENTAL THERAPIST, OR DENTAL HYGIENIST LICENSURE. No person hereafter shall be eligible for licensure to practice dentistry, dental therapy, or dental hygiene in this state unless the applicant:

(1) Is of good moral character and has not pled guilty to or been convicted of a crime that is deemed relevant in accordance with section [67-9411](#)(1), Idaho Code, unless the person demonstrates that he has been sufficiently rehabilitated to warrant the public trust;

(2) Shall, for dentistry, have successfully completed the course of study in dentistry, and graduated and received a degree of doctor of dental surgery or doctor of dental medicine from a dental school accepted and approved by the board;

(3) Shall, for dental therapy, have:

(a) Successfully completed a course of study in dental therapy;

(b) Graduated from a dental therapy school accredited by the commission on dental accreditation of the American dental association, provided that such school has been accepted and approved by the board; and



(c) Completed five hundred (500) hours of supervised clinical practice under the direct supervision of a dentist;

(4) Shall, for dental hygiene, have successfully completed the course of study in dental hygiene, and received a degree from a dental hygiene school accepted and approved by the board;

(5) Shall, for dentistry, dental therapy, and dental hygiene, pass the examinations provided for in section [54-918](#), Idaho Code.

[54-915, added 1949, ch. 102, sec. 15, p. 177; am. 1963, ch. 56, sec. 1, p. 220; am. 1967, ch. 312, sec. 12, p. 886; am. 1991, ch. 15, sec. 1, p. 32; am. 1991, ch. 147, sec. 7, p. 352; am. 1994, ch. 58, sec. 15, p. 108; am. 2003, ch. 160, sec. 2, p. 453; am. 2014, ch. 121, sec. 3, p. 345; am. 2019, ch. 221, sec. 7, p. 673; am. 2020, ch. 175, sec. 16, p. 520.]

54-916. APPLICATION FOR LICENSURE -- FEE. Any person desiring to practice dentistry, a dental specialty, dental therapy, or dental hygiene within the state of Idaho shall make an application for licensure in dentistry, a dental specialty, dental therapy, or dental hygiene, as the case may be, on forms furnished by the board, which forms shall call for information from the applicant as shall show his full, true name and that he possesses all the qualifications required by law for the license applied for. The application and supporting instruments as shall be required, together with payment of an application fee of not more than three hundred dollars (\$300) for dentists, the fee to be set by the rules of the board and not more than two hundred fifty dollars (\$250) for dental therapists and dental hygienists, the fee to be set by the rules of the board, and not more than six hundred dollars (\$600) for dental specialists, the fee to be set by the rules of the board, shall be filed with the board at a sufficient time to permit the board to investigate into the moral character of the applicant and his possession of the other qualifications for licensure. The fee shall not be refunded.

[54-916, added 1949, ch. 102, sec. 16, p. 177; am. 1967, ch. 312, sec. 13, p. 886; am. 1976, ch. 176, sec. 1, p. 639; am. 1986, ch. 35, sec. 4, p. 112; am. 1991, ch. 15, sec. 2, p. 32; am. 1994, ch. 58, sec. 16, p. 108; am. 2019, ch. 221, sec. 8, p. 674.]

54-916A. DENTAL HYGIENE LICENSURE BY CREDENTIALS. The board may issue a license to practice dental hygiene without further examination to an applicant upon evidence that:

(1) The applicant currently holds an active license in good standing to practice dental hygiene in another state with no disciplinary proceedings or unresolved complaints pending before the state's licensing board;

(2) The applicant has been licensed for at least one (1) year and the applicant has practiced a minimum of one thousand (1,000) hours in the two (2) years immediately preceding the date of application;

(3) The applicant has graduated from a dental hygiene school accredited by the commission on dental accreditation of the American dental association as of the date of the applicant's graduation;

(4) The applicant has successfully completed a board approved clinical examination;

(5) The applicant has successfully completed the national board dental hygiene examination; and

(6) The applicant has paid the application fee as set by board rule.

[54-916A, added 1992, ch. 3, sec. 1, p. 8; am. 1997, ch. 81, sec. 1, p. 192; am. 2014, ch. 121, sec. 4, p. 346.]

54-916B. DENTAL LICENSURE BY CREDENTIALS. The board may issue a license to practice dentistry without further examination upon evidence that:

(1) The applicant currently holds an active license in good standing to practice dentistry in another state with no disciplinary proceedings or unresolved complaints pending before the state's licensing board;

(2) The applicant has been in clinical practice at least five (5) years immediately preceding the date of application for a minimum of three thousand five hundred (3,500) hours;

(3) The applicant has graduated from a dental school accredited by the commission on dental accreditation of the American dental association as of the date of the applicant's graduation;

(4) The applicant has successfully completed the national board dental examinations;

(5) The applicant has successfully completed a board-approved clinical examination; and

(6) The applicant has paid the application fee as set by board rule.

[54-916B, added 1997, ch. 95, sec. 1, p. 224; am. 2014, ch. 121, sec. 5, p. 346; am. 2018, ch. 170, sec. 1, p. 378.]

54-916C. DENTAL THERAPY LICENSURE BY CREDENTIALS. The board may issue a license to practice dental therapy without further examination to an applicant upon evidence that:

(1) The applicant currently holds an active license in good standing to practice dental therapy in another state with no disciplinary proceedings or unresolved complaints pending before the state's licensing board;

(2) The applicant has been in clinical practice at least two (2) years and has practiced a minimum of two thousand (2,000) hours in the three (3) years immediately preceding the date of application;

(3) The applicant has graduated from a dental therapy school accredited by the commission on dental accreditation of the American dental association as of the date of the applicant's graduation;

(4) The applicant has successfully completed board-approved examinations; and

(5) The applicant has paid the application fee as set by board rule.

[54-916C, added 2019, ch. 221, sec. 9, p. 674.]

54-917. ALLOWANCE OR REJECTION OF APPLICANT. In the event the board finds that the applicant does not possess all the qualifications required for licensure, or that the application or supporting instruments contain false or misleading statements of material facts, the board shall refuse to permit the applicant to be licensed, and shall in writing so notify the applicant giving the reasons therefor. The board shall record such refusal and reasons and the date and means of notification.

[54-917, added 1949, ch. 102, sec. 17, p. 177; am. 1967, ch. 312, sec. 14, p. 886; am. 1991, ch. 147, sec. 8, p. 352; am. 1994, ch. 58, sec. 17, p. 109.]

54-918. EXAMINATIONS -- CERTIFICATE OF QUALIFICATION. (1) An applicant for licensure shall pass such examinations in dentistry, in dental therapy, and in dental hygiene as are conducted by the board or its agent. Examinations shall be written or clinical, or both, and upon such subjects in dentistry, dental therapy, and dental hygiene as the board shall determine will thoroughly test the fitness and ability of the applicant to practice dentistry, dental therapy, or dental hygiene. An applicant for licensure shall pass the written jurisprudence examination conducted by the board. A passing score of seventy-five percent (75%) correct shall be required on the written jurisprudence examination. A passing score of at least seventy-five percent (75%) correct shall be required on any additional written or clinical examinations conducted by the board. It shall report and record the names of applicants who pass and of those who fail the examinations. Upon the candidate's request, the board will issue to each passing applicant in dentistry, who is qualified for Idaho licensure, a certificate of qualification to practice dentistry, and to each passing applicant in dental therapy, who is qualified for Idaho licensure, a certificate of qualification to practice dental therapy within the state of Idaho, and to each passing applicant in dental hygiene, who is qualified for Idaho licensure, a certificate of qualification to practice dental hygiene within the state of Idaho.

(2) In lieu of conducting written examinations other than the jurisprudence examination, the board may require and accept the results of the national board dental and dental hygiene examinations administered by the American dental association. The American dental association shall set the standards for passing the national board dental and dental hygiene examinations. In lieu of conducting clinical examinations, the board may require and accept the results of clinical examinations administered by national or regional testing organizations approved by the board. In lieu of conducting dental therapy examinations, the board may require and accept the results of dental therapy examinations administered by national or regional testing organizations approved by the board. The national or regional testing organizations shall set the standards for passing or acceptable level of competency on the clinical or dental therapy examinations administered.

(3) Applicants who fail any examination conducted by the board or its agent shall be notified thereof in writing by the board, which shall also record the fact of failure and the date and means of notification.

(4) Written questions and answers of applicants shall be subject to disclosure according to [chapter 1, title 74](#), Idaho Code, unless exempt from disclosure in that chapter and title, and shall be destroyed by the board after the period of one (1) year following the examination.

[54-918, added 1949, ch. 102, sec. 18, p. 177; am. 1967, ch. 312, sec. 15, p. 886; am. 1986, ch. 35, sec. 5, p. 112; am. 1990, ch. 213, sec. 74, p. 539; am. 1994, ch. 58, sec. 18, p. 109; am. 1999, ch. 30, sec. 14, p. 58; am. 2003, ch. 160, sec. 3, p. 453; am. 2014, ch. 121, sec. 6, p. 347; am. 2015, ch. 141, sec. 134, p. 480; am. 2019, ch. 221, sec. 10, p. 674.]

54-919. CHEATING. In the event the board finds prior to the issuance of a certificate of qualification that an applicant, whether or not receiving a passing grade in the examination, has made any false statement with intent to mislead or deceive the board or its members in or in connection with his application, or has cheated or attempted to cheat in examination, such applicant shall be denied a certificate of qualification and shall be notified

in writing with the reasons, the facts and the date and means of notification shall be recorded by the board.

In the event of such finding, subsequent to the issuance of a certificate of qualification, proceedings may be maintained to revoke such certificate and any license outstanding, on such ground.

[54-919, added 1949, ch. 102, sec. 19, p. 177; am. 1967, ch. 312, sec. 16, p. 886; am. 1994, ch. 58, sec. 19, p. 110; am. 2006, ch. 285, sec. 3, p. 875.]

54-920. LICENSING -- LICENSE FEES -- BIENNIAL RENEWAL OF LICENSES -- LATE FEES AND RETURNED CHECKS -- CLASSIFICATIONS OF LICENSES -- RIGHTS OF LICENSEES -- NOTIFICATION OF CHANGE OF ADDRESS. (1) Each person determined by the board as qualified for licensure under this chapter shall pay the prescribed biennial license fee to the board prior to issuance of a license. Unless otherwise specified on a license, licenses issued by the board shall be effective for the biennial licensing period specified in this section. The biennial licensing period for dental and dental therapy licenses shall be a two (2) year period from October 1 of each even-numbered calendar year to September 30 of the next successive even-numbered calendar year. The biennial licensing period for dental hygiene licenses shall be a two (2) year period from April 1 of each odd-numbered calendar year to March 31 of the next successive odd-numbered calendar year. Unless otherwise specified on a license, any license issued during a biennial licensing period shall be effective until the beginning date of the next successive biennial licensing period and the board may prorate the amount of the license fee from the date of issuance of the license until the beginning date of the next applicable biennial licensing period at the discretion of the board. A license issued by the board shall expire unless renewed in the manner specified in this section.

(2) The nonrefundable biennial license fees shall be fixed by the board, but shall not exceed the following amounts:

- (a) Four hundred dollars (\$400) for a dentist with an active status;
- (b) Two hundred dollars (\$200) for a dentist with an inactive status;
- (c) Three hundred dollars (\$300) for a dental therapist with an active status;
- (d) One hundred fifty dollars (\$150) for a dental therapist with an inactive status;
- (e) Two hundred twenty dollars (\$220) for a dental hygienist with an active status;
- (f) One hundred twelve dollars (\$112) for a dental hygienist with an inactive status; or
- (g) Four hundred dollars (\$400) for a dentist with a specialist status.

(3) A license issued by the board shall be renewed as prescribed in this section. Prior to the expiration of the effective period of a license, the board shall provide notice of renewal to the licensee's address of record on file with the board. To renew a dental license, each licensee shall submit a properly completed renewal application and the appropriate biennial license fee to the board prior to September 30 of every even-numbered calendar year. To renew a dental hygiene license, each licensee shall submit a properly completed renewal application and the appropriate biennial license fee to the board prior to March 31 of each odd-numbered calendar year. Each licensee determined by the board as qualified for renewal of a license shall be issued a license for the applicable biennial licensing period.

(4) Failure to timely submit a complete renewal application and license fee shall result in expiration of the license and termination of the licensee's right to practice. Failure to submit a complete renewal application, license fee and fifty dollar (\$50.00) late fee within thirty (30) days of expiration of the license shall result in cancellation of the license.

(5) Any person who delivers a check or other payment to the board that is returned to the board unpaid by the financial institution upon which it was drawn shall pay to the board as an administrative cost, in addition to any other amount owing, the amount of fifty dollars (\$50.00). Following notification by the board of the returned check or other payment, the person shall make payment of all moneys owing to the board by certified check or money order within thirty (30) days of the date of notification. A failure to submit the necessary remittance within the thirty (30) day period may result in the expiration of a license or constitute grounds for the board to deny, cancel, suspend or revoke a license.

(6) The board of dentistry may issue different classes of licenses as defined in this subsection.

(a) The term "license with active status" means a license issued by the board to a qualified person who is authorized to practice dentistry, dental therapy, or dental hygiene in the state of Idaho.

(b) The term "license with an inactive status" means a license issued by the board to a qualified person who is not authorized to be an active practitioner of dentistry, dental therapy, or dental hygiene in the state of Idaho. A person issued a license with an inactive status is not entitled to practice dentistry, dental therapy, or dental hygiene in the state of Idaho.

(c) The terms "license with special status" and "license with provisional status" mean licenses issued by the board to a qualified person on a provisional, conditional, restricted or limited basis under the terms of which the licensee is authorized to practice dentistry, dental therapy, or dental hygiene in the state of Idaho subject to conditions, limitations and requirements imposed by the board. The conditions, limitations and requirements imposed by the board may include, but are not limited to, a limitation on the effective period of the license, a requirement that specific conditions must be fulfilled in order for the license to remain effective, a requirement that specified education, examinations and skills testing be successfully completed during the effective period of the license, a restriction on the scope of permissible services that the licensee is authorized to perform, a restriction on the type of patients for whom treatment may be rendered and a restriction on the locations at which the licensee can perform authorized services.

(7) (a) The board may issue a license with active status to any qualified applicant or qualified licensee who is authorized to practice dentistry, dental therapy, or dental hygiene in the state of Idaho. Renewal of a license with active status requires compliance with requirements specified in rule.

(b) The board may issue a license with inactive status to any qualified applicant or qualified licensee who fulfilled the licensure requirements but does not practice in the state of Idaho. Renewal of a license with inactive status requires compliance with requirements specified in rule.

(c) The board may issue a license with provisional status or special status to any person who fulfills, or substantially fulfills, the applicable licensure requirements when the board, acting in its discretion, determined that special circumstances existed which, for the protection of the public health, safety and welfare, required that specific conditions, restrictions or limitations be imposed on the license. A license with special status or provisional status entitles the holder thereof to practice dentistry, dental therapy, or dental hygiene in the state of Idaho subject to the conditions, restrictions and limitations specifically determined by the board and for the period of time prescribed. A provisional license is effective for the period specified by the board and may not be renewed. The board shall develop rules to include definitions, application and renewal requirements, limitations of practice and other conditions regarding provisional and special status licenses.

(d) The board may convert a license with inactive status to a license with active status in the event the holder pays the license fee prescribed for licenses with active status and submits to the board satisfactory evidence of:

- (i) Compliance with the requirements of this chapter and all rules promulgated under the provisions of this chapter;
- (ii) Good moral character and good professional conduct; and
- (iii) Completion of accumulated continuing education as required of a license with uninterrupted active status.

(e) Persons unable to otherwise fully meet the requirements for conversion of an inactive status license to an active status license must apply as a first-time applicant.

(8) Each person licensed under this chapter shall notify the board in writing of any change in the person's name or address of record within thirty (30) days after the change has taken place.

[54-920, added 1981, ch. 215, sec. 9, p. 394; am. 1986, ch. 35, sec. 6, p. 113; am. 1987, ch. 30, sec. 8, p. 42; am. 1990, ch. 425, sec. 3, p. 1176; am. 1991, ch. 15, sec. 3, p. 33; am. 1991, ch. 147, sec. 9, p. 353; am. 1994, ch. 58, sec. 20, p. 110; am. 2006, ch. 285, sec. 5, p. 875.; am. 2014, ch. 121, sec. 7, p. 347; am. 2015, ch. 56, sec. 1, p. 147; am. 2017, ch. 57, sec. 1, p. 88; am. 2019, ch. 221, sec. 11, p. 675.]

54-921. REINSTATEMENT OF CANCELED LICENSE. (1) A license that has been canceled for less than two (2) years may be reinstated by submitting all required application and license fees and submitting evidence of completion of all required continuing education hours.

(2) A license that has been canceled for more than two (2) years may be reinstated by satisfying the license requirements of a first-time applicant for licensure and submitting all required application and license fees.

[54-921, added 1949, ch. 102, sec. 21, p. 177; am. 1967, ch. 312, sec. 18, p. 886; am. 1981, ch. 215, sec. 10, p. 396; am. 1994, ch. 58, sec. 21, p. 113; am. 2003, ch. 160, sec. 4, p. 454; am. 2006, ch. 285, sec. 6, p. 879.; am. 2015, ch. 56, sec. 2, p. 150.]

54-922. DISPLAY OF LICENSE. No person shall practice dentistry, dental therapy, or dental hygiene unless he either has on display in his office an

unrevoked and unsuspended license for the time period in which he shall practice or has the same immediately producible upon request.

[54-922, added 1949, ch. 102, sec. 22, p. 177; am. 1967, ch. 312, sec. 19, p. 886; am. 1994, ch. 58, sec. 22, p. 114; am. 2006, ch. 285, sec. 7, p. 879; am. 2019, ch. 221, sec. 12, p. 677.]

54-923. REVOCATION FOR CONVICTIONS OF CRIME. A certificate or other evidence of qualification and right to practice dentistry, a dental specialty, dental therapy, or dental hygiene, and a license, may be revoked by the board whenever it shall be shown to the board that the holder of such certificate or other evidence of qualification, right to practice or license has been convicted of a crime that is deemed relevant in accordance with section [67-9411](#)(1), Idaho Code, whether such conviction shall have occurred before or after qualification, or accrual of such right, or the issuance of such certificate or other evidence of qualification, or of such license. A person licensed to practice dentistry, a dental specialty, dental therapy, or dental hygiene who is convicted of a felony in any jurisdiction shall notify the board within thirty (30) days of conviction by submitting a copy of the judgment of conviction to the board.

[54-923, added 1949, ch. 102, sec. 23, p. 177; am. 1967, ch. 312, sec. 20, p. 886; am. 1981, ch. 215, sec. 11, p. 396; am. 1986, ch. 35, sec. 7, p. 116; am. 1994, ch. 58, sec. 23, p. 114; am. 2006, ch. 285, sec. 8, p. 879; am. 2007, ch. 93, sec. 2, p. 275; am. 2015, ch. 45, sec. 1, p. 98; am. 2019, ch. 221, sec. 13, p. 677; am. 2020, ch. 175, sec. 17, p. 521.]

54-924. OTHER GROUNDS OF REFUSAL, REVOCATION OR SUSPENSION OF DENTISTS -- PROBATION AGREEMENTS. The board may refuse to issue or renew a dental license, or may revoke, suspend, place on probation, reprimand or take other disciplinary action with respect to a dental license as the board may deem proper, including administrative penalties not to exceed ten thousand dollars (\$10,000) per violation and assessment of the costs of disciplinary proceedings in the event a dentist shall:

(1) Intentionally misstate, or fail fully to disclose, a fact material to determination of fitness and qualification in an application for licensure to practice dentistry, or cheat in an examination to practice dentistry; or procure a certificate or finding of qualification to practice dentistry or subsequently a license by false, fraudulent or deceitful means or in any other name than his own true name; or

(2) Practice dentistry under any name other than his own true name except as a professional service corporation or professional limited liability company or as a limited managed care plan pursuant to [chapter 39, title 41](#), Idaho Code; or

(3) Practice or in any manner or by any means or at any place hold out or represent himself as practicing dentistry in or under the name of, or as a member, representative, agent or employee of, or in connection with, any company, association, or corporation, or under any trade, fictitious or business name except as a professional service corporation or professional limited liability company or as a limited managed care plan pursuant to [chapter 39, title 41](#), Idaho Code, except for a dentist practicing dentistry as an employee or contracting dentist providing dentistry services to any health center as defined and authorized in section 330 of the public health service act, codified as amended at 42 U.S.C. 254b; or

- (4) (a) Make, or cause to be made, or assist in making, any fraudulent, false, or misleading statement as to his own, or an employee's, associate's, or other dentist's, dental therapist's, or dental hygienist's skill or lack of skill, or method of practice; or
- (b) Claim to practice dentistry without causing pain; or
- (c) Claim superiority over other dentists; or
- (d) Publish, advertise, or circulate reports, letters, certificates, endorsements, or evidence of cures or corrections of dental conditions by such dentist, his employee or associate by reason of his or their skill, experience, or ability or of his or their use of any system, method, technique, device, drug, medicine, material, manipulation or machine; or
- (e) Advertise the use of, or use, any system, method, technique, device, drug, medicine, material or machine, which is either falsely advertised or misnamed; or
- (5) Use intoxicants or drugs to such a degree as to render him unfit to practice; or
- (6) Commit malpractice, that is, to provide dental care which fails to meet the standard of dental care provided by other qualified dentists in the same community or similar communities, taking into account his training, experience and the degree of expertise to which he holds himself out to the public; or
- (7) Engage in unprofessional conduct, as defined by board rules; or
- (8) Advertise in such way as to deceive or defraud, or probably deceive or defraud, the public or patrons; or
- (9) Employ or permit any person not a dentist to practice dentistry, or any person not a dentist or dental therapist to practice dental therapy, or any person not a dentist or dental hygienist to practice dental hygiene, in his office or under his control or direction; or
- (10) Fail, neglect or refuse to keep his office or equipment, or otherwise conduct his work in accordance with current state and federal laws, rules and regulations; or
- (11) Violate any other provisions of law or rules adopted by the board; or
- (12) Falsely identify himself to the public as a specialist in a specialty area of dentistry as defined by rule; or
- (13) Engage in the practice of dentistry as a member, stockholder, employee, director, partner or proprietor in any business entity in which a person, not duly licensed to practice dentistry in this state, holds an ownership interest. The provisions of this subsection shall not apply to such engagement in a limited managed care plan pursuant to [chapter 39, title 41](#), Idaho Code, or to a dentist practicing dentistry for any health care center as defined and authorized in section 330 of the public health service act, codified as amended at 42 U.S.C. 254b.
- (14) Supervise more than three (3) dental therapists.

[54-924, added 1949, ch. 102, sec. 24, p. 177; am. 1963, ch. 336, sec. 1, p. 963; am. 1967, ch. 312, sec. 21, p. 886; am. 1971, ch. 83, sec. 4, p. 181; am. 1981, ch. 215, sec. 12, p. 397; am. 1986, ch. 35, sec. 8, p. 116; am. 1987, ch. 30, sec. 9, p. 44; am. 1994, ch. 58, sec. 24, p. 114; am. 2006, ch. 285, sec. 9, p. 879; am. 2013, ch. 281, sec. 1, p. 730; am. 2014, ch. 121, sec. 8, p. 350; am. 2019, ch. 221, sec. 14, p. 678.]



54-925. OTHER GROUNDS OF REVOCATION OR SUSPENSION OF DENTAL HYGIENISTS -- PROBATION AGREEMENTS. The certificate or other evidence of qualification, and the right to practice dental hygiene and the license of any dental hygienist may be revoked, suspended or otherwise conditioned by the board in the event such dental hygienist shall do, in respect to the practice of dental hygiene, or as a dental hygienist, any of the things or acts set forth in section [54-924](#), Idaho Code; Provided, however, that notwithstanding any provisions of section [54-924](#), Idaho Code, a dental hygienist shall not practice otherwise than as provided in section [54-904](#), Idaho Code, and his doing so shall be an additional ground for revocation, suspension, or other conditions as determined by the board.

The board may refuse to issue or renew a dental hygiene license, or may revoke, suspend, place on probation, reprimand or take other disciplinary action with respect to a dental hygiene license as the board may deem proper, including administrative penalties not to exceed five thousand dollars (\$5,000) per violation and assessment of the costs of disciplinary proceedings.

[54-925, added 1949, ch. 102, sec. 25, p. 177; am. 1967, ch. 312, sec. 22, p. 886; am. 1994, ch. 58, sec. 25, p. 116; am. 2006, ch. 285, sec. 10, p. 881.]

54-926. OTHER GROUNDS OF REVOCATION OR SUSPENSION OF DENTAL THERAPISTS -- PROBATION AGREEMENTS. The certificate or other evidence of qualification, and the right to practice dental therapy and the license of any dental therapist, may be revoked, suspended, or otherwise conditioned by the board in the event such dental therapist shall do, in respect to the practice of dental therapy, or as a dental therapist any of the things or acts set forth in section [54-924](#), Idaho Code. Notwithstanding any provisions of section [54-924](#), Idaho Code, a dental therapist shall not practice otherwise than as provided in section [54-902A](#), Idaho Code, and his doing so shall be an additional ground for revocation, suspension, or other conditions as determined by the board. The board may refuse to issue or renew a dental therapist license, or may revoke, suspend, place on probation, reprimand, or take other disciplinary action with respect to a dental therapy license as the board may deem proper, including administrative penalties not to exceed five thousand dollars (\$5,000) per violation and assessment of the costs of disciplinary proceedings.

[54-926, added 2019, ch. 221, sec. 15, p. 679.]

54-930. EXCEPTIONS TO APPLICATION OF ACT. This act shall not be construed as prohibiting a physician or surgeon, duly authorized to practice as such in this state, from treating diseases of the mouth or performing operations in oral surgery; nor as prohibiting persons authorized by the laws of another state, territory or country to practice dentistry or dental hygiene therein, or persons teaching in approved dental, dental therapy, or dental hygiene schools, from making clinical demonstrations before meetings of dentists, dental therapists, or dental hygienists in Idaho; nor as prohibiting any person from performing merely mechanical work upon inert matter in a dental laboratory; nor to prohibit students in approved dental, dental therapy, or dental hygiene schools from practicing dentistry, dental therapy, or dental hygiene therein as part of their training or education.

[54-930, added 1949, ch. 102, sec. 30, p. 177; am. 1963, ch. 56, sec. 2, p. 220; am. 2019, ch. 221, sec. 16, p. 679.]

54-932. LOST OR DESTROYED CERTIFICATES OR LICENSES. If the certificate of qualification or the license of a dentist, dental therapist, or dental hygienist be lost or destroyed, and such fact appear by affidavit of such dentist, dental therapist, or dental hygienist filed with the board together with a fee of ten dollars (\$10.00), the board shall issue a duplicate.

[54-932, added 1949, ch. 102, sec. 32, p. 177; am. 1967, ch. 312, sec. 24, p. 886; am. 1991, ch. 15, sec. 4, p. 36; am. 2006, ch. 285, sec. 11, p. 881; am. 2019, ch. 221, sec. 17, p. 680.]

54-933. INJUNCTION -- PROCEDURE. The board or any resident citizen may maintain an action in equity in the name of the state of Idaho to perpetually enjoin any person from persisting in the doing of any acts constituting a violation of this act. Such action shall be brought in the district court of the county in which such acts or some of them are claimed to have been or are being committed, by filing a verified complaint setting forth said acts. The court, or a judge thereof at chambers, if satisfied from such complaint or by affidavits that the acts complained of have been or are being committed and will probably be persisted in, may issue a temporary writ, without notice or bond, enjoining the defendant from the commission of any such act or acts pending final disposition of the cause. The cause shall proceed as in other cases for injunction. If at the trial the commission of said act or acts by the defendant be established, and the court further find[s] that it is probable that defendant will continue therein or in similar violations, the court, or a judge thereof at chambers, shall enter a decree perpetually enjoining said defendant from thereafter committing said or similar acts.

[54-933, added 1949, ch. 102, sec. 33, p. 177; am. 1967, ch. 312, sec. 25, p. 886.]

54-934. PEER REVIEW COMMITTEES -- IMMUNITY FROM LIABILITY -- CONFIDENTIALITY OF RECORDS. (1) The state board of dentistry or the Idaho state dental association or both may establish one (1) or more peer review committees pursuant to this section, for the purpose of:

- (a) Determining the relevancy of a dentist's usual and reasonable fees or treatment procedure to the terms of a contract;
- (b) Assessing the quality of services rendered; or
- (c) Evaluating claims against dentists or engaging in underwriting decisions in connection with professional liability insurance coverage for dentists.

(2) The board or the associations, any one (1) of which has established a peer review committee pursuant to law, any committee member or any staff member of either the board or of the associations assisting a peer review committee, and any witness or consultant appearing before or presenting information to a peer review committee shall be immune from liability in any civil action brought as a result of a peer review investigation or proceeding conducted by a peer review committee, if the board, association, committee or staff member, witness or consultant, acts in good faith within the scope of the function of the committee, has made a reasonable effort to obtain the facts of the matter as to which the board or association or he acts, in the reasonable belief that the action taken is warranted by the facts.

(3) Any entity, organization or person acting without malice in making any report or other information available to a peer review committee, or who assists in the origination, investigation or preparation of that information, or assists a committee in carrying out any of its duties or functions, shall be immune from civil liability for any such actions.

(4) Any communications or information relating to peer committee investigations or proceedings as provided by law, and the proceedings and records of the committee related to them, shall be subject to disclosure according to [chapter 1, title 74](#), Idaho Code, unless exempt from disclosure in that chapter and title, and shall not be subject to discovery or introduced into evidence in any civil action against a dentist arising out of matters which are the subject of evaluation and review by the committee.

[54-934, added 1986, ch. 331, sec. 1, p. 815; am. 1987, ch. 30, sec. 10, p. 46; am. 1990, ch. 213, sec. 75, p. 540; am. 1994, ch. 58, sec. 27, p. 117; am. 1999, ch. 30, sec. 15, p. 59; am. 2015, ch. 141, sec. 135, p. 481.]

54-935. VOLUNTEER'S LICENSE -- QUALIFICATIONS -- PERMISSIBLE PRACTICE -- IMMUNITY FROM LIABILITY. (1) Upon application and qualification, the board may issue, without examination, a volunteer's license to a dentist, dental therapist, or dental hygienist who is retired from the active practice of dentistry, dental therapy, or dental hygiene to enable the retired dentist, dental therapist, or dental hygienist to provide dental, dental therapy, or dental hygiene services at specified locations to persons who, due to age, infirmity, indigence or disability, are unable to receive regular dental treatment.

(2) For purposes of this section, a dentist, dental therapist, or dental hygienist previously holding a dental, dental therapist, or dental hygiene license with active status in Idaho or another state shall be considered to be retired if, prior to the date of application for a volunteer's license, he has surrendered or allowed his license with active status to expire with the intention of ceasing to actively practice as a dentist, dental therapist, or dental hygienist for remuneration, he has converted his license with active status to a license with inactive status with the intention of ceasing to actively practice as a dentist, dental therapist, or dental hygienist for remuneration, or he has converted his license with active or inactive status to a license with retirement or similar status that proscribed the active practice of dentistry, dental therapy, or dental hygiene. A dentist, dental therapist, or dental hygienist whose dental, dental therapy, or dental hygiene license had been restricted, suspended, revoked, surrendered, resigned, converted, or allowed to lapse or expire as the result of disciplinary action or in lieu of disciplinary action being taken shall not be eligible for a volunteer's license.

(3) An application for a volunteer's license shall include, but not be limited to, the following:

(a) Verification of graduation from a dental, dental therapy, or dental hygiene school accredited by the commission on dental accreditation of the American dental association as of the date of the applicant's graduation;

(b) Verification from each state board in which the applicant was licensed that the applicant maintained his dental, dental therapy, or dental hygiene license in good standing without disciplinary action that restricted the applicant's license or resulted in the applicant's

license being placed on probation, suspended, revoked or being surrendered, resigned or otherwise allowed to lapse or expire in lieu of disciplinary action;

(c) Verification that the applicant held a dental, dental therapy, or dental hygiene license in good standing in Idaho or another state as of the date upon which the dentist, dental therapist, or dental hygienist became retired;

(d) Verification that the applicant held an active status dental, dental therapy, or dental hygiene license in good standing in Idaho or another state within five (5) years of the date of application for a volunteer's license, provided that the board may waive the five (5) year requirement in the event that the applicant demonstrates he possesses the knowledge and skills requisite to the practice of dentistry, dental therapy, or dental hygiene by successfully completing such examinations as are required by the board; and

(e) A notarized statement from the applicant on a form prescribed by the board, that the applicant will not provide any dental, dental therapy, or dental hygiene services to any person or at any location other than as permitted by this section and that the applicant will not accept any amount or form of remuneration, other than as reimbursement for the amount of actual expenses incurred as a volunteer dentist, dental therapist, or dental hygienist, for any dental, dental therapy, or dental hygiene services provided under the authority of a volunteer's license.

(4) For purposes of this section, the specified locations at which a dentist, dental therapist, or dental hygienist holding a volunteer's license may provide dental, dental therapy, or dental hygiene services shall be limited to the premises or sites of extended access oral health care settings. The dental services provided in an extended access oral health care setting by a dentist holding a volunteer's license shall not require or include the administration of general anesthesia or moderate sedation to a patient unless otherwise specifically approved in advance by the board.

(5) A volunteer's license shall be valid for that period specified for dentists, dental therapists, and dental hygienists in section [54-920](#), Idaho Code, and may be renewed upon application of the licensee unless the license has been revoked in accordance with this section. The board shall maintain a register of all dentists, dental therapists, and dental hygienists who hold a volunteer's license. The board shall not charge an application or licensing fee for issuing or renewing a volunteer's license. A volunteer's license cannot be converted to a license with active, inactive, provisional or special status.

(6) The board may revoke a volunteer's license upon receiving proof satisfactory to the board that the holder of a volunteer's license provided dental, dental therapy, or dental hygiene services outside the permissible scope of the volunteer's license or that grounds existed for enforcement or disciplinary action against the holder of a volunteer's license under other sections of this chapter or the administrative rules promulgated under this chapter.

(7) When practicing dentistry, dental therapy, or dental hygiene within the permissible scope of a volunteer's license, the holder of a volunteer's license issued pursuant to this section shall be immune from liability for any civil action arising out of the provision of volunteer dental, dental therapy, or dental hygiene services. This section does not

provide or extend immunity to a holder of a volunteer's license for any acts or omissions constituting negligence.

[54-935, added 2004, ch. 215, sec. 1, p. 648; am. 2007, ch. 94, sec. 1, p. 275; am. 2010, ch. 235, sec. 38, p. 573; am. 2018, ch. 53, sec. 3, p. 138; am. 2019, ch. 221, sec. 18, p. 680.]

54-936. CONTINUED OPERATION OF DENTAL PRACTICE -- DEATH OF SOLE PROPRIETOR DENTIST. In the case of the death of a sole proprietor dentist, the provisions of this chapter shall not be construed as prohibiting the personal representative, executor, surviving spouse or surviving heir of the dentist, upon notification to the state board of dentistry, from continuing to operate the dental practice of the deceased for a period of not more than six (6) months following death. An additional six (6) month period of operation shall be allowed upon approval of the board pursuant to rules as adopted by the board. This exception shall only apply where during such period of time there is a good faith effort being made to sell the dental practice and that all the decisions pertaining to the diagnosis, care and treatment of the patients are made by a dentist licensed and authorized to practice pursuant to the provisions of this chapter. For purposes of this section, "sole proprietor dentist" means a dentist who solely owns a dental practice, regardless of the type of legal entity under which it is operated.

[54-936, added 2008, ch. 170, sec. 1, p. 470.]